

**COMMENTS BY AAA ON THE CALIFORNIA PERFORMANCE REPORT,  
CHAPTER 6-PUBLIC SAFETY**

Date: September 8, 2004  
To: Commissioners, California Performance Review  
From: Paula LaBrie, The California State Automobile Association  
Tim Chang, The Automobile Club of Southern California  
Re: Comments, CPR report, Chapter 6-Public Safety

Dear Co-Chairs Kozberg, Hauck and Commission Members:

The California State Automobile Association and The Automobile Club of Southern California (the Auto Clubs), with a combined total of over 9 million members of the motoring public are pleased to have the opportunity to provide some initial comments on Chapter 6 of the California Performance Review report. This chapter focuses on Public Safety. We agree with the overall goal of Chapter 6, which is to deliver the most effective and efficient public safety system in California. A safe transportation system, including law enforcement and infrastructure is essential to our mobility, economic well-being and quality of life. The specific proposals for change as provided in Chapter 6 will require further discussions and consideration and we look forward to participating as a plan is developed.

PS02 Consolidate Law Enforcement Functions to Ensure Public Safety and Homeland Security:

The Auto Clubs have worked on behalf of the motoring public for more than 100 years, with an overall goal to improve traffic safety and reliability of the transportation system. Historically, the Auto Clubs have been instrumental in promoting the development of our roads and highways and their financing, placing road signs, and supporting the creation of the Highway Patrol. Therefore it is no surprise that the Auto Clubs closely follow the functions of the California Highway Patrol and its funding source, the Motor Vehicle Account.

When the California Highway Patrol was formed in 1929, its primary mission was to manage and regulate traffic in order to ensure the safe and lawful use of the California highways. In recent years and in light of the tragic events of September 11<sup>th</sup>, 2001, the California Highway Patrol has assumed many additional security and safety related duties including those relating to anti-terrorism protection. The California Highway Patrol's effort to provide California with needed security include the protection of both transportation and non-transportation facilities such as various dams, seaports, and the state's electrical power grid.

The California Performance Review report reiterates that homeland security will become permanent functions of the California Highway Patrol. In addition, the

California Highway Patrol would assume the duty to train all law enforcement personnel and to purchase equipment for a multitude of state law enforcement functions. The Auto Clubs are concerned that this organizational change could compromise the California Highway Patrol's ability to maintain its role as the state's primary traffic safety organization. Our members often tell us that they see too few CHP officers patrolling the freeways and they believe with a greater highway patrol presence, our highways could be safer. This sentiment is not unfounded as traffic fatalities, crashes and injuries continue to challenge highway patrol staffing levels and will continue to do so as California's population rapidly increases.

Because of the events of September 11<sup>th</sup>, 2001, the California Highway Patrol has been called upon to provide homeland security. However, to date, there has been no identified funding source for such activities. Instead, Motor Vehicle Account funds have been 'loaned' to cover costs associated with homeland security but have not been repaid in full by the federal government as promised.

If there is a permanent expansion of the California Highway Patrol responsibilities the Motor Vehicle Account should not be relied upon as a funding source for non-transportation related duties. To do so, would violate Article XIX, Section 2 of the California Constitution. Approximately 90% of the Motor Vehicle Account is funded by vehicle registration and driver license fees. According to the state Constitution, these motorists derived revenues can only be used for the enforcement of laws regulating the use, operation or registration of vehicles, including the enforcement of traffic laws and the mitigation of environmental effects of vehicle operations. In pertinent part the Constitution specifically states:

“SEC. 2. Revenues from fees and taxes imposed by the State upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used up on the public streets and highways of this State, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.” (California Const., Art. XIX).

Should the California Highway Patrol duties be permanently expanded to include non-transportation related homeland security, purchasing and training functions, an appropriate funding source must be identified to cover the significant costs associated with such responsibilities. The Motor Vehicle Account is not such source. In addition, an accounting system to avoid commingling of Motor Vehicle Account funding and funding from other sources must be put in place.

### Conclusion:

Traffic safety is an important issue for California motorists and it is necessary to maintain the highway patrol's role as the primary traffic safety organization to ensure highway safety. Should the decision be made to expand the California Highway Patrol duties, an appropriate non-motorist-funding source and verifiable accounting method must be identified and implemented to support those non-transportation-related activities. The Auto Clubs look forward to future opportunities to work with the California Performance Review commission as the proposals and recommendations in the report are further clarified and brought towards implementation through administrative and legislative actions.